

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
v.) CRIM. CASE NO. 2:19-cr-432-ECM
)
ROBERT BRANDON MALONE)

MEMORANDUM OPINION and ORDER

Now pending before the Court is the Defendant's Motion for Release pending Sentencing (doc. 101) filed on February 1, 2023.

On October 29, 2019, the Defendant was charged in five count indictment with wire fraud, interstate transportation of a stolen motor vehicle, and sale of a stolen motor vehicle in violation of 18 U.S.C. §§ 1343, 2312, and 2312. (Doc. 1) On November 5, 2019, the Defendant was released on conditions pending his trial. (Doc. 13). On February 6, 2020, a petition to revoke the Defendant's bond was filed due to his continued criminal behavior and leaving the district. (Doc. 37). The petition was granted, and the Defendant's bond was revoked. On February 18, 2020, the Defendant entered a guilty plea to three counts of wire fraud in violation of 18 U.S.C. § 1343 and one count of interstate transportation of a stolen vehicle in violation of 18 U.S.C. § 2312 and was remanded to the custody of the United States Marshal.

On October 26, 2022, the Eleventh Circuit Court of Appeals remanded this case for resentencing. (Doc. 91). After the mandate issued on November 28, 2022, the Court set this matter for sentencing on April 11, 2023. (Doc. 93).

On February 1, 2023, the Defendant filed a motion seeking release pending

sentencing.

Pursuant to 18 U.S.C. § 3143, the Court shall order the Defendant detained unless the Court finds by clear and convincing evidence that he is not a flight risk or a danger to the community. While the Defendant indicates that he will attend all future hearings, when the Defendant was on bond previously, he violated the conditions of his release by engaging in similar conduct for which he was indicted, and there was evidence that he had left the district multiple times. (Doc. 37). The Court concludes that the Defendant has failed to demonstrate by clear and convincing evidence that he is not a flight risk or a danger to the community. Consequently, release prior to sentencing is not warranted.

Accordingly, it is

ORDERED that the motion for release pending sentencing (doc. 101) is DENIED.

Done this the 1st day of March, 2023.

/s/Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE